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Bureau of Public Affairs • Department of State

The Drug Problem: Americans Arrested Abroad June 1989

Background: In 1988, 2,658 Americans were arrested abroad; more than 900 of them were held on charges of using, possessing, or trafficking in illegal narcotics. Thirty-seven percent of all American arrests on drug charges involved marijuana and frequently resulted in stiff fines or prison sentences. Although drug laws and enforcement policies vary in different countries, American travelers should be aware of the serious consequences resulting from the possession or sale of any type of narcotics. Penalties for drug violations are severe in foreign countries and may include lengthy prison sentences without parole. In addition, many countries do not permit bail in drug-trafficking cases.

Statistics on drug arrests: Americans were arrested on drug-related charges in 64 countries in 1988. As in 1987, the five nations that accounted for the majority of all drug arrests were Mexico, Jamaica, the Bahamas, the Federal Republic of Germany, and the Dominican Republic. Drug charges filed in Mexico alone accounted for nearly 23% of the worldwide total.

Travel advice: The global war on drugs is heating up. Many countries are increasing their efforts to stop the flow of illegal narcotics. Americans traveling abroad mistakenly believe that as US citizens they are immune from prosecution under foreign laws or that buying or carrying small amounts of drugs cannot result in arrest. In reality, Americans have been jailed abroad for possessing as little as one-third of an ounce of marijuana. Travelers should be particularly wary of persons who ask them to carry a package or drive a car across a border; they might unknowingly become narcotics traffickers. The US Customs Service will inspect baggage of travelers returning to the US; this applies not only to hand baggage and packages but also to articles mailed back to the US.

Persons required to take a medication containing narcotic drugs should carry a doctor's certificate attesting to that fact and should keep medicines in their original and labeled containers. To avoid potential problems, travelers carrying such medicines should consult the embassies of the countries they will visit before leaving the US. In Saudi Arabia, for example, narcotics include alcohol, amphetamines, barbiturates, codeine, captagon, and many other drugs or substances that may not be considered narcotics in the US.

Facts about drug arrests abroad:
- Once travelers leave US jurisdiction, they are not covered by US laws and have no US constitutional rights.
- Few foreign countries provide trial by jury.
- Pretrial detention may involve months of confinement in primitive prison conditions.
- Trials frequently involve lengthy delays or postponements and are conducted in the language of the foreign country.

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- Sentences for possession or trafficking in drugs can range from 2 to 25 years and may include heavy fines.
- In some countries--for example Turkey, Egypt, Malaysia, and Thailand--conviction may lead to a life sentence or even the death penalty. In Saudi Arabia, drug smugglers and traffickers convicted of a second offense receive the death penalty.
- Several countries have stiffened their penalties for drug violations and imposed stricter enforcement of existing drug laws. In the Bahamas, individuals convicted of possessing even small amounts of marijuana or cocaine for personal use receive harsh sentences, including a minimum of 6 months in prison, a $2,000 fine, or both. And those convicted of possessing larger amounts can receive life imprisonment. There also are stiff penalties for possessing illegal drugs while in the Dominican Republic; legislation imposes 5-20 years' imprisonment on anyone caught bringing narcotics into or out of the country. Proposed laws in Mexico will increase the maximum sentence for drug trafficking from 15 to 25 years.

What US consular officers abroad can do:
- Ensure insofar as possible that the detainee's rights under local law are fully observed and that humane treatment is accorded under internationally accepted standards;
- Visit the US citizen as soon as possible after the foreign government has notified the US embassy or consulate of the arrest;
- Provide the detainee with a list of local attorneys from which to select defense counsel; and
- Contact family and/or friends for financial or medical aid and food, if requested to do so by the detainee.

What US consular officers abroad cannot do:
- Demand a US citizen's release;
- Represent the detainee at trial, give legal counsel, or pay legal fees or other related expenses with US Government funds; or
- Intervene in a foreign country's court system or judicial process to obtain special treatment.

Help available in the US: The Citizens Emergency Center in the Department of State's Bureau of Consular Affairs:

- Provides emergency services relating to the welfare of Americans arrested or detained abroad;
- Transmits messages to incarcerated Americans or their next of kin in the US; and
- Helps arrange the transfer of private funds to US posts abroad for delivery to Americans for legal fees, medical treatment, or dietary supplements.

Assistance from the Citizens Emergency Center is available Monday through Friday from 8:15 a.m. to 10 p.m. and on Saturday from 9 a.m. to 3 p.m. (Eastern time) at (202) 647-5225. After hours and on Sundays and holidays, a duty officer is available for emergencies at (202) 634-3600.

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